IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS WACO DIVISION

WSOU INVESTMENTS LLC, *Plaintiff*

-V-

CANON, INC., CANON U.S.A., INC., Defendants

W-20-CV-00980-ADA W-20-CV-00981-ADA

CLAIM CONSTRUCTION ORDER

The Court held a *Markman* hearing on February 14, 2022. During that hearing, the Court provided its final constructions. The Court now enters those claim constructions.

SIGNED this 14th day of February, 2022.

ALAN D ALBRIGHT

UNITED STATES DISTRICT JUDGE

Term	Plaintiff's Proposed	Defendants' Proposed	Court's Preliminary
	Construction	Construction	Construction
#1: "a time period T" / "[at	Plain and ordinary meaning;	"T is a pre-set amount of time	Plain-and-ordinary meaning
least] a portion of the time	or, if the Court deems a	for one cycle of frequency	
period T"	construction is necessary: "a	hopping, which is no greater	
	period of time T"/"[at least] a	than the amount of time it	
U.S. Patent No. 7,054,346,	portion of the period of time	would take to use each	
Cls. 1-4, 7, 9, 11-16, and 19	T"	channel available for	
		frequency hopping once,"	
Proposed by Defendant		otherwise indefinite.	

Term	Plaintiff's Proposed	Defendants' Proposed	Court's Preliminary
	Construction	Construction	Construction
#2: "a set of N frequencies"/	Plain and ordinary meaning	N frequencies" / "a set of	Plain-and-ordinary meaning
"a size of N/F frequencies" /		hopping frequencies" / "a	
"a set of F frequencies" / "a		hopping set" are "a	
set of hopping frequencies"		preconfigured number of	
/"a hopping set" / "a hopping		distinct hopping frequencies	
set to a size of N/F		to which the hopping	
frequencies" / "a hopping set		constraining algorithm is	
comprising N/F frequencies" /		applied and which must not be	
"where N is the total number		selected more than once over	
of frequencies available for		the time period T," otherwise	
frequency hopping"		indefinite.	
		"a size of F frequencies" / "a	
U.S. Patent No. 7,054,346,		set of F frequencies" / "a	
Cls. 1-4, 7, 9, 11-16, and 19		hopping set to a size of F	
		frequencies" / "a hopping set	
Proposed by Defendant		comprising F frequencies" are	
		"for a time period T, the	
		number of remaining	
		frequencies available for	
		frequency hopping that have	
		not been previously selected	
		during that time period",	
		otherwise indefinite	

Term	Plaintiff's Proposed	Defendants' Proposed	Court's Preliminary
	Construction	Construction	Construction
#3: "at least one of the selected frequencies is prohibited from subsequent selection" U.S. Patent No. 7,054,346, Cls. 1-4, 7, 9, 11-16, and 19 Proposed by Defendant	Plain and ordinary meaning; or, if the Court deems a construction is necessary: "at least one of the selected frequencies is not allowed to be subsequently selected"	"a frequency that has already been used during the time period T is prohibited from being re-used during the remainder of the time period T solely because it has been previously used"	Plain-and-ordinary meaning
#4: "Pseudorandom[ly]" U.S. Patent No. 7,054,346, Cls. 1-4, 7, 9, 11-16, and 19 Proposed by Defendant	Plain and ordinary meaning; or, if the Court deems a construction is necessary: "appears to be patternless"	"a selection generated by an algorithm that approximates a random selection by avoiding a regular pattern of selections when the algorithm is used repeatedly"	Plain-and-ordinary meaning
#5: "Corresponding Temporally Predicted Second Encoded Representation" U.S. Patent No. 7,116,714, Cls. 1, 6–9, 12, 13 Proposed by Defendant	Plain and ordinary meaning; or, if the Court deems a construction necessary: "a corresponding second encoded representation produced using another picture as a reference"	"a temporally predicted second encoded representation of the first picture that is associated with the first encoded representation of the first picture by including both encoded representations in a single encoded video"	Plain-and-ordinary meaning

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Preliminary Construction
#6A: "A video codec" U.S. Patent No. 7,116,714, Cls. 7, 13 Proposed by Defendant	Plain and ordinary meaning; or, if the Court deems a construction necessary: "software or hardware component / module that encodes and/or decodes video data"	Preamble is not limiting	Claims 7, 8, and 12: Preamble is not limiting except for "video encoder." Claim 13: Preamble is not limiting except for "video codec."
#6B: "A multimedia system" U.S. Patent No. 7,116,714, Cls. 8, 13 Proposed by Defendant	Plain and ordinary meaning; or, if the Court deems a construction necessary: "A system that is capable of processing data such as text, audio, images, videos, etc."	Preamble is not limiting	
#6C: "A portable electronic device" U.S. Patent No. 7,116,714, Cls. 12 Proposed by Defendant	Plain and ordinary meaning; or, if the Court deems a construction necessary: "A device that can be easily moved"	Preamble is not limiting	
#7: "The Encoder Is Arranged To Transmit" U.S. Patent No. 7,116,714, Cls. 31 Proposed by Defendant	Plain and ordinary meaning; or, if the Court deems a construction necessary: "the encoder is configured to transmit"	Indefinite OR "circuitry of the encoder causes transmission to a decoder both locally and over a network"	Not indefinite. Plain-and- ordinary meaning

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Preliminary Construction
#8: "Temporally Prior" U.S. Patent No. 7,116,714, Cls. 3	Plain and ordinary meaning; or, if the Court deems a construction necessary: "preceding in time"	Indefinite.	Not indefinite. Plain-and- ordinary meaning
Proposed by Defendant			
#9: "Said Other Picture" U.S. Patent No. 7,116,714, Cls. 29, 32	Plain and ordinary meaning; or, if the Court deems a construction necessary: "the other picture"	Indefinite OR "said another picture"	Not indefinite. Plain-and- ordinary meaning wherein the plain-and-ordinary meaning is "said another picture"
Proposed by Defendant			